

Report of the Executive Manager – Communities

1. Summary

- 1.1. The draft Keyworth Neighbourhood Development Plan (Neighbourhood Plan) was submitted to the Borough Council in July 2017 and following a statutory six week publicity and consultation period, which ended on Tuesday 17 October 2017, it proceeded to independent examination. The appointed Examiner recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. It was decided at Cabinet on 13 March 2018 to accept the Examiner's recommendations and that a referendum for the Neighbourhood Plan should be held. The referendum will take place on 30 May 2018 within the parish of Keyworth.
- 1.2. The decision to be made is whether, subject to a majority vote from the referendum in favour of using the Neighbourhood Plan to help decide planning applications, the Borough Council should 'make' (adopt) the Neighbourhood Plan.

2. Recommendation

It is **RECOMMENDED** that, subject to a majority vote from the referendum in favour of using the Keyworth Neighbourhood Plan to help decide planning applications:

- a) the Council 'makes' (adopts) the Neighbourhood Plan; and
- b) authority be delegated to the Executive Manager – Communities to issue a statement setting out this decision as soon as possible following the referendum.

3. Reasons for Recommendation

- 3.1. The Borough Council, as Local Planning Authority, has a statutory duty to assist in the production of Neighbourhood Plans where communities wish to produce them under the Localism Act 2011.
- 3.2. It was decided at Cabinet on 13 March 2018 that, in accordance with relevant regulations, a referendum should be held for the Keyworth Neighbourhood Plan. The purpose of the referendum will be to ask voters whether the Neighbourhood Plan should be used to help decide planning applications in Keyworth Parish. If there is a majority vote in favour of this proposal then the Borough Council would be required, subject to certain prescribed criteria, to make the Neighbourhood Plan part of the statutory development plan.

4. Supporting Evidence

- 4.1. The draft Keyworth Neighbourhood Plan has been produced by Keyworth Parish Council in conjunction with the local community. The Plan contains a number of policies which are intended to form part of the statutory development plan for the Borough and, therefore, to assist the Borough Council in the determination of relevant planning applications. The draft Neighbourhood Plan was submitted to the Borough Council in July 2017.
- 4.2. The Borough Council was required by legislation to assess whether the submitted Plan met certain prescribed 'Basic Conditions' and other statutory requirements and whether it should proceed to referendum.
- 4.3. In order to assist in this process, the Borough Council was required to invite representations on the submitted draft Plan and appoint an independent Examiner to examine the Plan and consider all representations received through the consultation undertaken by the Borough Council. The submitted Plan was publicised and representations were invited from the public and other stakeholders, with the period for representations closing in October 2017. The appointed independent Examiner published his report in February 2018. He concluded that, subject to a number of modifications set out in his report, the Plan meets the prescribed legal 'Basic Conditions' and other statutory requirements and he recommended that it should proceed to referendum.
- 4.4. The Examiner's report was considered by Cabinet on 13 March 2018. The Cabinet decided that the Plan, incorporating the Examiner's recommended modifications, meets the 'Basic Conditions' and other regulatory requirements and therefore that a referendum should be held to determine whether residents of Keyworth parish support the Plan and whether it should become part of the statutory development plan.
- 4.5. The referendum is scheduled to be held on 30 May 2018. It will follow a similar format to an election. All electors registered to vote and eligible to vote in local government elections within the neighbourhood area (the parish of Keyworth) will be given the opportunity to vote in the referendum. In accordance with regulatory requirements, the ballot paper will have the following question: *'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Keyworth to help it decide planning applications in the neighbourhood area?'* Voters will be given the opportunity to vote 'yes' or 'no'.
- 4.6. If more than 50% of those voting in the referendum vote 'yes', then the Borough Council is required to make the Neighbourhood Plan part of the statutory development plan for Rushcliffe, subject to certain prescribed criteria. A statement setting out this decision would need to be published by the Council following the referendum. If the result of the referendum is "no", then nothing further happens. The Parish Council would then have to decide what it wishes to do.
- 4.7. If the Neighbourhood Plan is made part of the development plan then planning applications would then have to be determined in accordance with both the Rushcliffe Local Plan and the Keyworth Neighbourhood Plan, unless material considerations indicate otherwise.

5. Risk and Uncertainties

- 5.1. To not follow the legislation and regulations correctly could lead the Borough Council open to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

6. Implications

6.1. Finance

6.1.1. The Borough Council has already received a total of £5,000 direct financial support from central Government following the Keyworth Neighbourhood Area designation. A further £20,000 can be claimed now that a date for referendum has been set.

6.1.2. This direct support is to ensure that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning. These duties include provision of advice and assistance, holding the examination and making arrangements for the referendum.

6.2. Legal

6.2.1. The Neighbourhood Plan, as proposed to be amended, is considered to meet the Basic Conditions which are set out in law following the Localism Act (see Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990). This has been confirmed in the Examiner's report. It is also considered that the Neighbourhood Plan meets all the relevant legal and procedural requirements.

6.3. Corporate Priorities

6.3.1. The policies contained within the Neighbourhood Plan will assist in delivering the Borough Council's corporate priorities in supporting economic growth to ensure a sustainable, prosperous and thriving local economy, and maintaining and enhancing residents' quality of life.

6.4. Other Implications

6.4.1. None.

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Background papers Available for Inspection:	Electronic copies of the documents relating to the submitted draft Keyworth Neighbourhood Plan and its examination can be found at: http://www.rushcliffe.gov.uk/planningpolicy/neighbourhoodplanning/ Examiner's Report for the Keyworth Neighbourhood Development

	<p>Plan http://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/keyworth/Keyworth%20NP%20final%20examiner%20report%2019%202%2018.pdf</p> <p>Keyworth Neighbourhood Plan Decision Statement, 16 March 2018 http://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/keyworth/KNP%20Decision%20statement_final.pdf</p> <p>Background Paper to the Keyworth Neighbourhood Plan Cabinet Report, 13 March 2018: Illustration of Keyworth Neighbourhood Development Plan including proposed modifications http://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/keyworth/Cabinet%20Keyworth%20NP_background%20paper.pdf</p>
List of appendices:	None.